

**COMMISSION OF INQUIRY INTO STATE CAPTURE**  
**HELD AT**  
**CITY OF JOHANNESBURG OLD COUNCIL CHAMBER**  
**158 CIVIC BOULEVARD, BRAAMFONTEIN**

**06 JULY 2020**

**DAY 230**



**Gauteng Transcribers**  
Recording & Transcriptions

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TRANSCRIBERS:

B KLINE; Y KLIEM; V FAASEN; D STANIFORTH



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**PROCEEDINGS RESUME ON 6 JULY 2020**

**CHAIRPERSON:** Good morning Mr Notshe, good morning everybody. You will have to switch on your microphone. I have been told that there are challenges with the light or now hopefully it is going to be sorted out in a matter of minutes but I think I can – I can read what is in front of me but the lighting is quite bad where you are Mr Notshe. Just speak to Mr Stimela behind you Mr Notshe to find out what – what is the latest.

10 **ADV NOTSHE SC:** Chair I am informed that it – it will take about ten to fifteen minutes.

**CHAIRPERSON:** Ten to fifteen minutes.

**ADV NOTSHE SC:** Yes. But for me the lighting is fine I can read and...

**CHAIRPERSON:** Yes.

**ADV NOTSHE SC:** Ja. I am not shaking about.

**CHAIRPERSON:** Ja. I think there is a further message coming to you. Ja.

20 **ADV NOTSHE SC:** Chairperson we are – I am told that if you can read I can and the witness can read the cameras will be able to roll until tea time then they can sort it out. So they say we can proceed if the participants...

**CHAIRPERSON:** Ja.

**ADV NOTSHE SC:** Participants can read.

**CHAIRPERSON:** Okay. Okay no that is fine so it will not

affect your – this lightning.

**ADV NOTSHE SC:** It seems as if it will not. They say the camera will roll.

**CHAIRPERSON:** Yes. Ja. Okay alright. Okay let us start.

**ADV NOTSHE SC:** Chairperson before we get to the – the witness. The – today was scheduled for two witnesses.

**CHAIRPERSON:** Yes.

**ADV NOTSHE SC:** Mr – it was scheduled two witness Mr Cedric Frolick and the witness who will testify Mr Charl Le  
10 Roux. Unhappily Mr Frolick physically indisposed as he is unable to attend which would leave can then be – his testimony be postponed [00:03:22] and then we arrange another date for his testimony.

**CHAIRPERSON:** Okay. Today and this week we were going to – I was going to hear evidence for at least I think two or three days relating to Bosasa. Mr Cedric Frolick had applied for Leave to Adduce to give evidence and to deal with the allegations made against him by Mr Agrizzi in relation to Bosasa and – and the arrangements had been  
20 that he would come today. But as Mr Notshe indicates he is apparently unwell and we will have to adjourn the hearing of his evidence to a date to be determined the Chairperson in due course. So the hearing of Mr Frolick's evidence is therefore adjourned. But the evidence that we – I will hear from another witness also relates to Bosasa. Do you want

to take it from there Mr Notshe just to give the context?

**ADV NOTSHE SC:** Chairperson today the witness who is scheduled to testify is Mr Charl Le Roux.

**CHAIRPERSON:** Hm.

**ADV NOTSHE SC:** The genesis of his evidence is the evidence of Mr Agrizzi.

**CHAIRPERSON:** Hm.

**ADV NOTSHE SC:** And in the statement given by Mr Agrizzi paragraph 22 of Mr Agrizzi's statement.

10 **CHAIRPERSON:** Hm.

**ADV NOTSHE SC:** He refers to repairs ...

**ADV NOTSHE SC:** Maybe you can – if you refer to a paragraph you can indicate what that statement of Agrizzi is – what date it was given because he gave a few.

**ADV NOTSHE SC:** Yes.

**CHAIRPERSON:** Affidavits just for the record so that whoever reads the transcripts knows how to identify the one that you are referring.

20 **ADV NOTSHE SC:** Yes Mr Chairperson. Chairperson it is the – the statement of Mr Agrizzi – I just want to get it there. It is AA – it is Exhibit AA004 this is the first statement that he gave.

**CHAIRPERSON:** What is the date?

**ADV NOTSHE SC:** Excuse me Chairperson I just...

**CHAIRPERSON:** Or is that the Exhibit number?

**ADV NOTSHE SC:** That is the Exhibit number.

**CHAIRPERSON:** Ja. AA?

**ADV NOTSHE SC:** It is AA – it is AA and then it starts at AA01.

**CHAIRPERSON:** Oh.

**ADV NOTSHE SC:** But the statement is given the number AA – Exhibit AA.

**CHAIRPERSON:** AA okay.

**ADV NOTSHE SC:** Yes. But then what will help the AA we  
10 will have – because I can then take the Chairperson to the relevant paragraph.

**CHAIRPERSON:** Oh, you do not have the last page of the affidavit?

**ADV NOTSHE SC:** Let me get to the last page of the affidavit.

**CHAIRPERSON:** Ja because that will help indicate when he deposed to the affidavit.

**ADV NOTSHE SC:** Yes. The affidavit Chairperson is dated the – the 15 January 2019.

20 **CHAIRPERSON:** Okay. Yes then you can go to the paragraph that you said.

**ADV NOTSHE SC:** Then to paragraphs.

**CHAIRPERSON:** At least the reader of the transcript will be able to...

**ADV NOTSHE SC:** To follow yes.

**CHAIRPERSON:** To – to identify which affidavit of Mr Agrizzi.

**ADV NOTSHE SC:** Yes.

**CHAIRPERSON:** We are talking about.

**ADV NOTSHE SC:** Yes. It is – the relevant part of Mr Agrizzi’s statement is paragraph 22 and page AA036 of the – of the – of the Exhibit. It is the genesis if they – there Chairperson you – one will see that it is – it is given a specific heading of Nomvula Mokonyane and in that  
10 paragraph he then deals with the [indistinct] things, the repairs that were done at the house of Ms Mokonyane – Ms Mokonyane. And thereafter the – the – Mr Richard Le Roux – Mr Richard Le Roux’s statement also refers to the – let me just take you to it. It is T3 the evidence – the statement of Richard Le Roux wherein he also refers to the repairs that were done at the house of Ms Mokonyane.

**CHAIRPERSON:** Okay. Where – where is – where are the other – where is Mr Agrizzi’s statement and everything? I had asked that I should have it with me.

20 **ADV NOTSHE SC:** Mr Chairperson it is printed – it has been – there was a problem with the office printers.

**CHAIRPERSON:** Oh okay.

**ADV NOTSHE SC:** But fortunately, we found a printer.

**CHAIRPERSON:** Yes.

**ADV NOTSHE SC:** It is being printed as – as we speak.

**CHAIRPERSON:** Oh okay.

**ADV NOTSHE SC:** What we have done we have printed three statements.

**CHAIRPERSON:** Yes.

**ADV NOTSHE SC:** There is the statement – the statement I have referred to.

**CHAIRPERSON:** Ja.

**ADV NOTSHE SC:** Then there is a supplementary statement after he testified.

10 **CHAIRPERSON:** Ja.

**ADV NOTSHE SC:** There were issues that you raised and...

**CHAIRPERSON:** Ja.

**ADV NOTSHE SC:** That were raised during the hearing.

**CHAIRPERSON:** Ja.

**ADV NOTSHE SC:** He made a supplementary statement.

**CHAIRPERSON:** Ja.

**ADV NOTSHE SC:** And also, there was a statement – and a response to Ms Mokonyane’s statement.

**CHAIRPERSON:** Ja.

20 **ADV NOTSHE SC:** Wherein he gives you those. Those will be presented shortly.

**CHAIRPERSON:** Yes okay including Ms Mokonyane’s affidavit?

**ADV NOTSHE SC:** Including Ms Mokonyane’s affidavit.

**CHAIRPERSON:** Ja okay.



**ADV NOTSHE SC:** And then Chair this morning as a result – yesterday arrangement will be – legal representation of Ms Mokonyane we visited her home and – and the – the only purpose for this

**CHAIRPERSON:** Oh, maybe before we get there let me just give the context as I recall it from the evidence and affidavits of Mr Agrizzi and the affidavit of Ms Mokonyane. Mr Agrizzi gave evidence last year implicating a number of people including some politicians and among other things  
10 he testified that while he was at Bosasa there were a number of people who were paid – who were given monthly payments by Bosasa and he said Ms Nomvula Mokonyane was one of them. And also, evidence was led by him as well as Mr Richard Le Roux to the effect that there was a project within Bosasa I cannot remember what they called it in terms of which Bosasa installed CCTV cameras and other security equipment at the homes of certain people. And he mentioned Ms Mokonyane’s home as one of the – they – that is Mr Agrizzi and Mr Richard Le Roux I think mentioned  
20 Ms Mokonyane’s home as one of the homes of certain people in which Bosasa installed certain security equipment. And Mr Agrizzi also gave evidence to the effect that he visited Ms Mokonyane’s residence. It may be that he said different residences if he went to both residences that the official residence and the personal residence and

he said on one occasion he went to Ms Mokonyane's residence together with Mr Gavin Watson and they met with Ms Mokonyane and he said – I think he said it was on that occasion that Mr Watson had brought money for Mr – or Ms Mokonyane which was either – it was given to Ms Mokonyane or was left on the chair in the house. I cannot remember the details. And there was also evidence by Mr Agrizzi that I think there were deliveries that were sent to Ms Mokonyane from Bosasa. Of course, there is on a  
10 number of occasions. The commission asked Ms Mokonyane to depose to an affidavit and deal with these allegations and she dealt – she co-operated and she submitted an affidavit in which she gives her side of the story. My recollection is that she denied that Bosasa had – was paying her – or had paid her any money as alleged by Mr Agrizzi and he – she also said that Mr Agrizzi had never been to her house if I recall correctly. And the commission then continued to make investigations arising out of Ms Mokonyane's denial. And the evidence that will be led  
20 today by Mr Charl Le Roux relates to the further investigation conducted by the commission. And Mr Notshe will also talk about a visit to Mr Mokonyane's residence yesterday where her lawyers were present. And as I understand the position there was much co-operation from Ms Mokonyane and her lawyers in regard to the

investigation and their visit to her home yesterday. Mr Notshe. I thought let me just put that myself.

**ADV NOTSHE SC:** Yes.

**CHAIRPERSON:** Because you – you are new in the commission.

**ADV NOTSHE SC:** Yes.

**CHAIRPERSON:** And I have been around so I can remember some of these things because the affidavits are not here yet.

10 **ADV NOTSHE SC:** Yes thank you – thank you Chair.

**CHAIRPERSON:** Ja it is just important so that everybody who listens to the evidence that is led today can remember the context.

**ADV NOTSHE SC:** Yes.

**CHAIRPERSON:** What is this evidence about. Okay.

**ADV NOTSHE SC:** Well thank you Chair the – as fair as recalled the project regarding Ms Mokonyane and was called Project Blouberg.

**CHAIRPERSON:** Yes okay.

20 **ADV NOTSHE SC:** I think it is because of the house is in Blouberg.

**CHAIRPERSON:** Yes.

**ADV NOTSHE SC:** And Chair.

**CHAIRPERSON:** There was another – there was – I think there was a general name for the project of installing

security equipment at the residences of different people but it may be that they called it according to each person. Like Project Blouberg or Project PRASA or Project something else.

**ADV NOTSHE SC:** Chair the way I understand Mr Agrizzi's evidence.

**CHAIRPERSON:** Yes.

**ADV NOTSHE SC:** The whole issue of repairs and all that generally was called Project Shiftron.

10 **CHAIRPERSON:** Okay.

**ADV NOTSHE SC:** And then by then there was sub-projects under it.

**CHAIRPERSON:** Okay.

**ADV NOTSHE SC:** Of different residences.

**CHAIRPERSON:** Okay. Okay.

**ADV NOTSHE SC:** And then the one in Blouberg.

**CHAIRPERSON:** Yes.

**ADV NOTSHE SC:** It was called Project Blouberg.

**CHAIRPERSON:** Oh – Blouberg okay. No that is fine.

20 **ADV NOTSHE SC:** Yes.

**CHAIRPERSON:** Thank you.

**ADV NOTSHE SC:** Thank you Chair and thank you for the assistance you gave me. Chair the – the before the witness does testifying we – yesterday and by agreement between us or the commission and the legal representatives of Ms

Mokonyane we met at Ms Mokonyane's house and the purpose was to confirm the features that were identified by a [indistinct] by Mr Le Roux in his statement that he saw when he went to do some repairs at Ms Mokonyane's house.

**CHAIRPERSON:** Oh, actually rather than to confirm to see whether they are there.

**ADV NOTSHE SC:** To see whether that they are there.

**CHAIRPERSON:** Ja. Yes.

**ADV NOTSHE SC:** And then Chair at the end of the  
10 inspection we then sat down and recorded what had been –  
what we had seen.

**CHAIRPERSON:** Hm.

**ADV NOTSHE SC:** And pointed out by Mr Charl Le Roux.

**CHAIRPERSON:** Hm. Hm.

**ADV NOTSHE SC:** And which will give and by agreement between the parties.

**CHAIRPERSON:** H.

**ADV NOTSHE SC:** I beg leave to read this into the record.

**CHAIRPERSON:** Yes okay.

20 **ADV NOTSHE SC:** And Chair understand it is also in your bundle Exhibit T13 and it is on page ...

**CHAIRPERSON:** I am sorry – I am sorry just repeat that I missed that.

**ADV NOTSHE SC:** And this statement – this memorandum of agreement it should be in the Chair's bundle as well – in

the commission bundle Exhibit 13 – T13.

**CHAIRPERSON:** T13.

**ADV NOTSHE SC:** Yes.

**CHAIRPERSON:** Okay. The – okay maybe what we will do I know that I have confused some of the members of the legal team. Shall we call this Bundle something that is the lever arch and Mr Charl Le Roux’s statement Exhibit 13 and its annexures. Is that fine if we do it that way?

**ADV NOTSHE SC:** The – what we have Chair is – is it in  
10 Exhibit R13?

**CHAIRPERSON:** Yes no what I am saying is, shall we say Exhibit T13 is Mr Charl Le Roux’s affidavit.

**ADV NOTSHE SC:** Yes

**CHAIRPERSON:** And annexures but the box we call it bundles we give it a bundle number or bundle a letter bundle or something. So that it is clear that the exhibit is not the box.

**ADV NOTSHE SC:** Oh I see.

**CHAIRPERSON:** It is the affidavit that is the Exhibit.

20 **ADV NOTSHE SC:** Chair can I just confer with my attorney?

**CHAIRPERSON:** Ja. Hm. Or alternative...

**ADV NOTSHE SC:** Chairperson.

**CHAIRPERSON:** Yes.

**ADV NOTSHE SC:** It – I am advised that we will after I

have handed up the exhibit – I mean the – formally handed up to you this exhibit 13 I am referring to we will then give it a bundle number which will be Bundle A.

**CHAIRPERSON:** Yes. No that is fine. And if – if you know there are different bundles that are being – that have been used. I know that certainly under the PRASA work stream I think they have following through with my inference handing up these lever arch files as bundle B or bundle whatever and then the affidavits inside would be Exhibit this, Exhibit 10 that and Exhibit that. But if what is most important for now is the Exhibit for the – for the affidavit. The bundle number or bundle letter, Bundle A or whatever that is for convenience and that can be – can be attended to ever later.

**ADV NOTSHE SC:** Yes.

**CHAIRPERSON:** That does not have to go into the record as such but it is convenient if everybody knows that you will find Exhibit 13 in Bundle so and so.

**ADV NOTSHE SC:** So and so I understand, I understand.

20 **CHAIRPERSON:** Ja.

**ADV NOTSHE SC:** Chairperson we will attend to that.

**CHAIRPERSON:** Yes. Okay alright.

**ADV NOTSHE SC:** Before – before we adjourn today I – we will have attended to it so that it also goes to the record.

**CHAIRPERSON:** To the record yes.

**ADV NOTSHE SC:** As – and we will find bundle.

**CHAIRPERSON:** Yes. Ja. Ja.

**ADV NOTSHE SC:** Chair before...

**CHAIRPERSON:** Okay.

**ADV NOTSHE SC:** Before I...

**CHAIRPERSON:** So maybe let me – let me get this out of the way. The – you see I see that there is a state – there is an affidavit also of Van Biljon.

**ADV NOTSHE SC:** Yes.

10 **CHAIRPERSON:** So that will have to have a separate or exhibit number. So the one that will be T13 is that of Mr Charl Le Roux.

**ADV NOTSHE SC:** Yes.

**CHAIRPERSON:** So – but we – we can deal with that if and when we come to it.

**ADV NOTSHE SC:** Yes.

**CHAIRPERSON:** The one for Van Biljon.

**ADV NOTSHE SC:** Van Biljon yes.

20 **CHAIRPERSON:** So the affidavit of Mr Charl Le Roux – Charl Jax Le Roux is admitted and is to be marked Exhibit T13, 13.

**ADV NOTSHE SC:** As the Chairperson pleases.

**CHAIRPERSON:** Together with his annexures.

**ADV NOTSHE SC:** As the Chairperson pleases.

**CHAIRPERSON:** Hm.



**ADV NOTSHE SC:** Chair with you leave and your guidance the – the memorandum or the minute of yesterday's inspection that will form part of the affidavit of Mr Le Roux. Should we have – should we have a separate exhibit number?

**CHAIRPERSON:** Yes it should have a separate exhibit number but maybe the best time to hand up might be at the end of his evidence. I do not know what you think about that?

10 **ADV NOTSHE SC:** Chairperson that – that is also fine.

**CHAIRPERSON:** Ys.

**ADV NOTSHE SC:** Because...

**CHAIRPERSON:** So – so you will...

**ADV NOTSHE SC:** He would have testified.

**CHAIRPERSON:** Ja. He will have testified and then you say here is an agreement that was signed after the visit – at the end of the visit.

**ADV NOTSHE SC:** Yes.

**CHAIRPERSON:** Ja.

20 **ADV NOTSHE SC:** And then Chair can I then move – and then also the – what I had – but we will deal – we can deal with it after he has testified. The – because he was employed by Mr Van Biljon so I was planning but we can do it the other way around. I was planning first to deal with the – sorry – sorry Chair. I was planning to deal with the

evidence and read into the record the affidavit of Mr Van Biljon but Chair it does not matter. Let the witness testify and then...

**CHAIRPERSON:** Yes.

**ADV NOTSHE SC:** And then we will deal with the other issues thereafter.

**CHAIRPERSON:** Yes. The – it depends on what the – what sequence you – you want. I do not mind if you refer to – well to the affidavit of Mr Van Biljon. It does seem to me  
10 that to the extent that agreement who has been reached on things that were seen in the – in Ms Mokonyane’s residence it may be that her affidavit or his affidavit – Mr Van Biljon’s will not be challenged. So I think you – you can – we can get it admitted as an Exhibit and you can read the relevant portions thereof. If later on they challenge it we will look at that. You – as I understand the position Mr Van Biljon left South African.

**ADV NOTSHE SC:** Yes Chair.

**CHAIRPERSON:** Last year I think.

20 **ADV NOTSHE SC:** Yes Chair.

**CHAIRPERSON:** He now lives in New Zealand.

**ADV NOTSHE SC:** Yes Chair.

**CHAIRPERSON:** So calling him may not be necessary if a lot of what he says is not being challenged.

**ADV NOTSHE SC:** Yes Chair.

**CHAIRPERSON:** But also, if it is covered by what Mr Charl Le Roux says we – it might not be necessary to call him here but the affidavit could be [indistinct] enough.

**ADV NOTSHE SC:** Yes. Chair.

**CHAIRPERSON:** Obviously Ms Mokonyane and her lawyers will be free to challenge whatever they wish to challenge.

**ADV NOTSHE SC:** Yes Chair.

**CHAIRPERSON:** Ja okay.

**ADV NOTSHE SC:** Chair the – the affidavit of Mr Van Biljon  
10 you will find it – it is in two places in the – in T13 and it is  
on T13.

**CHAIRPERSON:** Remember when you say T13 you talk about Mr Charl Le Roux's affidavit.

**ADV NOTSHE SC:** Yes.

**CHAIRPERSON:** Chair that is...

**CHAIRPERSON:** So they better give it an exhibit of its own – an exhibit number of its own if you are going to refer to a number.

**ADV NOTSHE SC:** Can I made a [indistinct] can I make this  
20 – can I make this proposal?

**CHAIRPERSON:** Hm,

**ADV NOTSHE SC:** And so that this is formally changed.

**CHAIRPERSON:** Hm.

**ADV NOTSHE SC:** Can I leave for now the affidavit of Mr Van Biljon until the secretary would have given it a

separate...

**CHAIRPERSON:** That is fine. Ja. That is fine.

**ADV NOTSHE SC:** A separate number so that when I read it.

**CHAIRPERSON:** Yes.

**ADV NOTSHE SC:** Because I understand Chair it will cause a confusion.

**CHAIRPERSON:** Yes.

**ADV NOTSHE SC:** If I talk about T13 later on is admitted.

10 **CHAIRPERSON:** Yes.

**ADV NOTSHE SC:** As another.

**CHAIRPERSON:** Yes. What – what – but what – what can be done is that different exhibits namely different affidavits can be in the same lever arch file. What is important is to always identify the correct exhibit number for the correct affidavit.

**ADV NOTSHE SC:** Yes.

**CHAIRPERSON:** So it could still remain here if we know for example – if we mark it as Exhibit T14.

20 **ADV NOTSHE SC:** Yes.

**CHAIRPERSON:** Then when you refer to it you say I am referring to Exhibit T14.

**ADV NOTSHE SC:** Yes.

**CHAIRPERSON:** You know. Then we can still use it later on you – you will mark the lever arch file as Bundle

whatever and in the spine – on the spine of the lever arch file.

**ADV NOTSHE SC:** Yes.

**CHAIRPERSON:** It becomes – you make it clear that the contents are Exhibit T13 and Exhibit T14. So whoever picks up the lever arch file.

**ADV NOTSHE SC:** Knows what.

**CHAIRPERSON:** Knows that the contents are these two exhibits.

10 **ADV NOTSHE SC:** Yes.

**CHAIRPERSON:** And – and if there is an index that will show where to find each one of those exhibits.

**ADV NOTSHE SC:** Yes.

**CHAIRPERSON:** So in other words, I am saying it is up to you – we can still deal with Ms Van – Mr Van Biljon's affidavit now but we would need to give it an exhibit number first. If you are able to give it an exhibit number now but if you cannot give it an exhibit number now then we can deal with it later when you are ready to give it an exhibit number.

20 **ADV NOTSHE SC:** Chair with your leave can it then be recorded that Mr Van Biljon's affidavit will be T14? Did we not start from page 18?

**CHAIRPERSON:** Mr Renier van Biljon, his affidavit.

**ADV NOTSHE SC:** Yes.

**CHAIRPERSON:** ...will be admitted and marked as Exhibit

T14.

**ADV NOTSHE SC:** Yes.

**CHAIRPERSON:** That is the affidavit and its annexures.

**ADV NOTSHE SC:** Yes.

**CHAIRPERSON:** Okay.

**ADV NOTSHE SC:** That is on T14, page 38, CLR38. It is the commissioned statement.

**CHAIRPERSON:** Uh...

**ADV NOTSHE SC:** CLR38.

10 **CHAIRPERSON:** Okay. You want me to go to page 38?

**ADV NOTSHE SC:** Yes, Chair. Just to... I am just indicating that commissioned... and I want it to go on record that the commissioned statement starts from 38 to 42 because before that, it is a mere statement that has been signed but it was not commissioned. It had to be sent back to have it commissioned, properly commissioned.

**CHAIRPERSON:** Oh, you know what we must do? Are they not identical the statement and the affidavit?

**ADV NOTSHE SC:** They are identical.

20 **CHAIRPERSON:** So why do we need the statement? Why do we not just have the affidavit?

**ADV NOTSHE SC:** As the Chair pleases.

**CHAIRPERSON:** If the identity... I guess because we have now given... you have paginated them all. It could cause some problems here. Then we should rather simply say, the

statement has opposed to affidavit, is the one that is Exhibit T or D.

**ADV NOTSHE SC:** Yes.

**CHAIRPERSON:** I do not know whether the statement had annexures?

**ADV NOTSHE SC:** The statement has annexures.

**CHAIRPERSON:** Ja, so the statement of Mr Renier, R-e-n-i-e-r van Biljon. Biljon is B-i-l-j-o-n. His statement dated... it is undated.

10 **ADV NOTSHE SC:** It is undated statement, yes.

**CHAIRPERSON:** The undated statement together with its annexures will be Exhibit J14. And his affidavit will be admitted and marked Exhibit T15.

So I am correct in what I said earlier on. I said earlier on, the affidavit of Mr Renier van Biljon would be admitted and marked as Exhibit T14.

I am changing that. Exhibit T14 is his statement. Exhibit T15 is his affidavit and the affidavit is dated or was deposed to on the 2<sup>nd</sup> of July 2020.

20 **ADV NOTSHE SC:** Yes.

**CHAIRPERSON:** So that is together with its annexures and that will be Exhibit T14.

**RICHARD LE ROUX'S STATEMENT WITH ANNEXURES ARE HANDED UP AND MARKED AS EXHIBIT T14**

**RICHARD LE ROUX'S AFFIDAVIT IS HANDED UP AND**

**MARKED AS EXHIBIT T15**

**ADV NOTSHE SC:** Yes.

**CHAIRPERSON:** Okay.

**ADV NOTSHE SC:** Chair, it is a short affidavit that I can quickly read into the record.

**CHAIRPERSON:** Yes.

**ADV NOTSHE SC:** And I start reading. It is:

“I the undersigned Renier van Biljon do...[intervenes]

**CHAIRPERSON:** Um, okay. Until you got... I do not think  
10 you should read it into the record as such but you... if you  
want to read a particular portion of it, you can do it.  
Otherwise, you can just say what the gist of his evidence or  
the crust of his evidence in that affidavit is.

**ADV NOTSHE SC:** Yes.

**CHAIRPERSON:** Because it is available as an affidavit.

**ADV NOTSHE SC:** The... Chairperson, the... it merely refers  
to the... what is relevant for today is his reference to the  
work done at Mr Mokoena’s house. And that appears on  
page T15, CLR39, paragraph 6 of the affidavit.

20 **CHAIRPERSON:** Yes, I think he... his evidence on the  
affidavit is briefly that he... he is a qualified electrician and  
that in 2015 he owned a company... what is his company  
called?

**ADV NOTSHE SC:** Yes.

**CHAIRPERSON:** He owned a company which used to get



work from Bosasa. Bosasa would sub-contract it to do certain work for Bosasa and he...

This seems to have started when he attended a call-out in 2015 at Mr Agrizzi's home and he used to work with... I will get instructions from Mr Richard le Roux from Bosasa.

Well, maybe I was wrong to restrict you Mr Notshe not reading. Can I leave it to you if you want to read it?

**ADV NOTSHE SC:** Chairperson, just to... I think paragraph 6 just gives the context and then paragraph 7 then deals with  
10 the with the work of where the witness did some work. And I just quickly read that paragraph 6. And he says:

“To my knowledge, I was doing the work for Bosasa as a sub-contractor in the usual manner in which we operated was as follows.

Mr Le Roux would inform me of an address where services were to be provided and I would meet him on the side.

I would evaluate the work to be done and then quote Bosasa for this work, stipulating the items required  
20 such as CCTV fittings and the like.

I would not stipulate the residential address on the quotation but would simply refer to Bosasa on the quotation, for example, if the pumps for the water feature had to be changed at a residence, the heading of the quotation would merely state “water

feature pump”.

As a freelance electrician I sub-contracted and it was normal for me to quote by simply placing “water pump replaced” as the wording of the quote and invoice.

This were never high-value jobs.

In certain instances, I would purchase equipment in order to affect the repairs and in other instances, Bosasa would purchase the items and provide this to me.

10 I would then commence with the work and invoice Bosasa after completion.

All the quotations and invoices were made out to either Bosasa and/or Richard.

There was normally no mention of address where the work was provided on the quotation or invoice.

I recall this as I had to redo certain quotations and invoices, making sure that there was no mention of the address.

His instructions were given to me by Mr Le Roux.”

20 There where... in the reference here with Mr le Roux, Richard le Roux, not the witness.

“I would email the quotations and invoices to Mr le Roux who would then arrange for payment into my account.”

And then the heading “Work performed at Minister

Mokoena's residence", paragraph 7:

"I recalled that I performed work at house number 105, Blouberg Street, Krugersdorp.

The Commission's investigation's team has provided me...[intervenes]

**CHAIRPERSON:** Um...

**ADV NOTSHE SC:** Chair, can I continue?

**CHAIRPERSON:** I am thinking of... I think the residential address, do not mention it... do not read it into the record.

10 Just mention that the address is given for security reasons.

**ADV NOTSHE SC:** Yes. No, that is fine. My understand... I understand Chair.

**CHAIRPERSON:** Ja, ja.

**ADV NOTSHE SC:** No, from then... from now onwards, we... although it is on the record, I will not mention it in reading.

**CHAIRPERSON:** Yes. Ja.

**ADV NOTSHE SC:** And then he says he was given the annexure by the investigators... he was given the annexure RVB1. RVB1 shall be page 23 of the bundle. And then he  
20 says...[intervenes]

**CHAIRPERSON:** No, I am just thinking about the issue...

Well, one is trying to be sensitive to security issues but this witness, for example, needed to specify in his affidavit what the address was, just like Mr Biljon needed to specify because there was a denial that Bosasa had...[intervenes]

**ADV NOTSHE SC:** Gone to the residence.

**CHAIRPERSON:** Ja. So there was a need to do that. So that it made it necessary. Also, they implicate that they know what address as they were talking about but maybe even when he gives evidence, we all now know which residence he is talking about.

Maybe he could say that it is the residence given in his affidavit without mentioning the street number and so on.

**ADV NOTSHE SC:** Yes.

10 **CHAIRPERSON:** I am just trying to see how one strikes a balance...[intervenes]

**ADV NOTSHE SC:** Yes.

**CHAIRPERSON:** ...between...

**ADV NOTSHE SC:** The... Chair, the way I see it, especially with yesterday which makes me now know the premises that we visited.

**CHAIRPERSON:** Yes.

**ADV NOTSHE SC:** So...[intervenes]

**CHAIRPERSON:** There is no need to...[intervenes]

20 **ADV NOTSHE SC:** The witness, when I... when ...[intervenes]

**CHAIRPERSON:** Ja....[intervenes]

**ADV NOTSHE SC:** ...when he will testify...[intervenes]

**CHAIRPERSON:** Ja.,

**ADV NOTSHE SC:** ...we advise him just to refer if he wants

to talk about, “the residence that we visited”.

**CHAIRPERSON:** Ja, ja.

**ADV NOTSHE SC:** And that ...[indistinct] the residence.

**CHAIRPERSON:** Yes. Ja.

**ADV NOTSHE SC:** We have agreed that this is the residence that we have visited.

**CHAIRPERSON:** Ja-no, that is fine.

**ADV NOTSHE SC:** And as I understand it Chair, it is all done for the purpose of security.

10 **CHAIRPERSON:** Yes, yes, yes.

**ADV NOTSHE SC:** So that one does not expose ...[intervenues]

**CHAIRPERSON:** Yes, ja.

**ADV NOTSHE SC:** ...the people to unnecessarily insecurity.

**CHAIRPERSON:** Yes. Ja. Okay.

**ADV NOTSHE SC:** And then Chair, on page 23 the... Mr van Biljon tells the Commission that on page was shown photographs and on pages 23 and 24, he confirms ...[intervenues]

20 **CHAIRPERSON:** I am sorry. I was at page 40 when... I thought you were at page 40. I am not referring to CLR. At page 40, when I thought you were... I thought you were at paragraph 8.

**ADV NOTSHE SC:** Yes, at paragraph 8. Yes.

**CHAIRPERSON:** H'm.

**ADV NOTSHE SC:** No, what I wanted... so I beg your pardon.

**CHAIRPERSON:** You are going to annexures.

**ADV NOTSHE SC:** I beg your pardon. What I had done is I had removed the statement instead of moving to the affidavit. I was reading from the... no, which is fine.

**CHAIRPERSON:** You can go to the affidavit because that is...[intervenes]

**ADV NOTSHE SC:** Yes. No, I am going back to the  
10 affidavit.

**CHAIRPERSON:** Ja.

**ADV NOTSHE SC:** Now he confirms that the photographs that were sent to him, is the photograph of the “house that we visited”. And then he confirmed that in addition, he was also provided with the deeds of this document of that address and there is a deed registry extract which gives the owners of the residence as Mr and Mrs Mokoena.

And on the affidavit and on the document, their names and ID documents are there. And I, with your leave, I would  
20 not read them into the record but they are.

And then he says that he was informed that Nomvula Mokoena was a minister of parliament.

**CHAIRPERSON:** I am quite happy for you to read as you are reading.

**ADV NOTSHE SC:** Is it... okay, I have been informed by... I

am now at paragraph 10 Chair.

**CHAIRPERSON:** Yes.

**ADV NOTSHE SC:**

“I have been informed by the Commission’s investigating team that Nomvula Paula Mokoena was a minister of parliament in the South African Government. I have checked an open source media where it is reported that a certain Mokoena was the husband of Ms Nomvula and died in April 2019.

10 At the time I was unaware that the house in Blouberg Street belonged to or was occupied by Minister Mokoena.

The fact that there were two police officers at the main gate, obviously, alerted me to the fact that it was occupied by someone important.

On one occasion I was called to the house one evening to attend to the backup power system where the generator system would not start and met such.

20 He was a friendly guy but he did not mention his surname and did not mention his wife’s position.

On most occasions, Mr le Roux met on site at 105 Blouberg Street and he showed me what needed to be done.

I think in all of the time that I did work at this site, there was possible two occasions where I went to the

Blouberg site without Mr le Roux being present, and below is a list of some of the things I recalled doing at the house:

- I repaired and reprogrammed the generator change over.
- I replaced the distribution board for the swimming pool.
- Replaced the outside stair lights leading to the house.
- 10 - Repaired the electric fence, called out to repair air conditioner system one night.
- Called out to repair the generator one night.
- And replaced and rewired some of the water features.

I would estimate that I went to the site to perform work there on approximately ten occasions.

I have searched for and located certain quotations and invoices for work performed the invoices. And then...[intervenes]

20 **CHAIRPERSON:** Yes. I think you can just read that as well because there is some significance because he gives details of what work was done.

**ADV NOTSHE SC:** Yes.

**CHAIRPERSON:** He gives the prices as well.

**ADV NOTSHE SC:** Yes. The first invoice is...[intervenes]



**CHAIRPERSON:** And he gives dates...[intervenes]

**ADV NOTSHE SC:** Yes.

**CHAIRPERSON:** ...for when the work was done.

**ADV NOTSHE SC:** Yes, the first invoice, he has... three is quoted as... 3232UE and it seems to be the 9<sup>th</sup> of October 2014 and the invoice quotation made to “cash – Ricard”. And then type of work done” “inspect and rotate alternator” and it is R 750,00.

And the second invoice is, 323 invoice. It is  
10 15 October 2014, “cash – Ricard; the generator is tested and is hundred percent operational. A separate test report will be made”, and it is R 750,00.

And then another 323, the 10<sup>th</sup> of October 2014, “cash – Ricard; replace pool DB at R 2 999,23”.

The next invoice is 323 and 15 October 2014, “cash – Ricard; replace pool DB and it is R 2 741,89”.

And then the next invoice is 161 repairs to lightning”. Then refer and then “labour, normal time, Blouberg” and it is R 6 609,00.

20 And then another invoice 1 and 5, 3<sup>rd</sup> May 2015, Blouberg Street “the extra lights at Blouberg”. It is R 1 044,70.

**CHAIRPERSON:** I think...[intervenes]

**ADV NOTSHE SC:** And he makes...[intervenes]

**CHAIRPERSON:** ...just noting here, the boardroom there of

the ...[intervenes]

**ADV NOTSHE SC:** He makes... and he makes a note, Chair.

**CHAIRPERSON:** H'm?

**ADV NOTSHE SC:** It is a document state on my system as Q324QUE and 241 invoice. However, the documents referred to 323QUE and 323 Invoice which appeared to be have been admitted in error.

He goes on to say:

10 "Copies of these quotations and invoices are attached hereto as Annexures RB3. And it must be noted that certain of these may not have been the final documents sent out to Mr le Roux.

With regards to invoice dated 15 October 2014, in the table above, where it is stated "generator has been tested and is hundred percent operational", I also managed to locate a copy of the generator test report which is attached hereto as Annexure RVB4.

20 The generator test report reflects the address as being... (and then gives the address) and the date of inspection, 10/15/2014..."

Chair, I think there is the American system of putting the month before the date. I think it is the 15<sup>th</sup>.

**CHAIRPERSON:** Oh. Oh, yes. Okay. Yes. We can say that the address that he gives there of the house is the ...[intervenes]

**ADV NOTSHE SC:** Is the house... that was...[intervenes]

**CHAIRPERSON:** ...is the address that you visited.

**ADV NOTSHE SC:** Yes.

**CHAIRPERSON:** H'm. Yes?

**ADV NOTSHE SC:** Chair, to complete his affidavit. He says:

“I performed services for Bosasa under Mr le Roux for approximately May 2014 to 2018.

Over these years, I estimate that I performed services at approximately four sites.

10 I recall that I performed work at Mr Gavin Watson's house, where I replaced certain plug points.

Mr Watson arrived whilst I was on site and he introduced himself to me.

I no longer have the business and ever since immigrated.

I do not have documentation reflecting the detail of all the work I performed and I cannot remember every job I performed.”

20 It is a sworn statement. Chair, here the... my junior has referred me to... there is an issue that he raised of the name of the business.

**CHAIRPERSON:** Does it not...[intervenes]

**ADV NOTSHE SC:** He... on 3.2 of the affidavit.

**CHAIRPERSON:** Paragraph 3.2?

**ADV NOTSHE SC:** 3.2.

**CHAIRPERSON:** Yes?

**ADV NOTSHE SC:** On page 38, it is Sanimo Electrical.

**CHAIRPERSON:** Oh, yes. Yes.

**ADV NOTSHE SC:** Yes.

**CHAIRPERSON:** Yes.

**ADV NOTSHE SC:** I apologise, Chair. I also had read it but with the blood ringing in my ears and in my eyes, I could not recall where the name and where I had found it in the affidavit.

10 **CHAIRPERSON:** Yes.

**ADV NOTSHE SC:** Yes.

**CHAIRPERSON:** Um...[intervenes]

**ADV NOTSHE SC:** Chair, can I beg leave to have ...[intervenes]

**CHAIRPERSON:** I am looking for RB... RVB4. Where is RVB4?

**ADV NOTSHE SC:** [No audible reply]

**CHAIRPERSON:** I cannot see an annexure marked RVB4.

20 **ADV NOTSHE SC:** Let me just... Chair, can I also explain what the problem also may... we have is... Chair, you will note... just bear with me.

**CHAIRPERSON:** H'm?

**ADV NOTSHE SC:** Just bear one minute with me.

**CHAIRPERSON:** You will see at page 43 the Commissioner of Oaths says this is the document marked A referred to in

the affidavit of Renier van Biljon but I do not remember that...

MECHANICAL INTERRUPTION

**ADV NOTSHE SC:** ...what the Australian... the New Zealanders did Chair is, they did not give the annexures the number that is in the affidavit.

**CHAIRPERSON:** H'm.

**ADV NOTSHE SC:** For as all the invoices instead of RV, they gave them numbers A, B, C, D, E, F, G. And then... but  
10 if the statement that he has signed... the statement that he has signed maintains the numbers that he had given but these were then... the Commissioner of Oaths then gave them different numbers.

**CHAIRPERSON:** Can you arrange that we get supplementary affidavit from him that clarifies the position to say the document marked so and so by the Commissioner of Oaths is actually the document I referred to as so and so in my affidavit?

**ADV NOTSHE SC:** Yes. Actually, Chair I would also  
20 arrange... we must also see if he can get to the same Commissioner of Oaths who can confirm the document. And then Chair, can I take you to T14, CR34... 37, I beg your pardon?

**CHAIRPERSON:** Ja?

**ADV NOTSHE SC:** [No audible reply]

**CHAIRPERSON:** Yes?

**ADV NOTSHE SC:** There, Chair, you will see this is the test, the generator test report that he refers to but it is left out in the affidavit. Perhaps the supplementary affidavit, we will deal with that as well.

**CHAIRPERSON:** Yes. So I just want to make sure that there is consistency between what the affidavit says and what the annexures are marked.

**ADV NOTSHE SC:** Yes.

10 **CHAIRPERSON:** Ja, what they are marked as because if the affidavit says a certain document is marked RB... RVB4 and you go to the annexures and you do not find RVB4, you are entitled to think there is no RVB4

**ADV NOTSHE SC:** I take your... I take your point, Chair.

**CHAIRPERSON:** So we just need to make sure that that is sorted out.

**ADV NOTSHE SC:** I take your point, Chair.

**CHAIRPERSON:** Ja. Okay.

**ADV NOTSHE SC:** Then with your leave, can the statement  
20 and the... the statement and then the affidavit be admitted as Exhibits T14 and T15?

And then Chair, let the record then also reflects that an additional affidavit is sought to align the... what is the said in the affidavit with the exhibits that the witness is referring to?

**CHAIRPERSON:** Yes, we have already admitted them,

Exhibit D14 and Exhibit D15. I think or have we not?

**ADV NOTSHE SC:** No, I think...[intervenes]

**CHAIRPERSON:** We have marked Exhibit T15.

**ADV NOTSHE SC:** Chair, you did make a ruling to that effect.

**CHAIRPERSON:** Ja.

**ADV NOTSHE SC:** But it is for completeness sake, yes.

**CHAIRPERSON:** Ja, okay. Alright.

**ADV NOTSHE SC:** Chair, then the witness can... can I  
10 request that the witness be sworn in?

**CHAIRPERSON:** Yes.

**ADV NOTSHE SC:** Before we...

**CHAIRPERSON:** Yes, please administer the oath affirmation. I see the lighting is taking long to arrive.

**ADV NOTSHE SC:** Apparently Chair, it will be set up during tea-time. Unless the Chair would want us to adjourn now? It is eleven o'clock.

**CHAIRPERSON:** Well, if it is ready, we could adjourn now so that it is sorted out if they are here and it is ready.

20 **ADV NOTSHE SC:** And then we can come back at quarter... come back at quarter...[intervenes]

**CHAIRPERSON:** At quarter past...[intervenes]

**ADV NOTSHE SC:** At quarter past eleven.

**CHAIRPERSON:** They want to tell you something.

**ADV NOTSHE SC:** No, then... I am advised that the best is

to proceed as we are proceeding...[intervenes]

**CHAIRPERSON:** Ja?

**ADV NOTSHE SC:** ...so that they can take the fifteen minutes between now and tea adjournment...[intervenes]

**CHAIRPERSON:** Okay. Alright.

**ADV NOTSHE SC:** ...to set themselves up.

**CHAIRPERSON:** Okay. Alright. Okay administer the oath or affirmation.

**REGISTRAR:** Please state your full names for the record.

10 **MR LE ROUX:** Charl Jacques Le Roux.

**REGISTRAR:** Do you have any objection in taking the prescribed oath?

**MR LE ROUX:** No.

**REGISTRAR:** Do you consider the oath to be binding on your conscience?

**MR LE ROUX:** Yes.

**REGISTRAR:** Do you swear that the evidence you will give will be the truth, the whole truth and nothing else but the truth? If so, please raise your right hand and say, so help  
20 me God.

**MR LE ROUX:** Yes. And so help me God.

**REGISTRAR:** Thank you.

**CHARL JACQUES LE ROUX:** (d.s.s.)

**CHAIRPERSON:** Thank you, you may be seated.

**ADV NOTSHE SC:** Mr le Roux, is it correct you were



contacted by the investigators of the Commission? The investigator of the Commission at some stage talked to you?

**MR LE ROUX:** Yes.

**ADV NOTSHE SC:** As a result of the interview, you made a statement.

**MR LE ROUX:** Yes.

**ADV NOTSHE SC:** And you have the statement in front of you?

10 **MR LE ROUX:** Yes, I do.

**ADV NOTSHE SC:** Chair, the statement is T13. It is EXHIBIT T13.

**CHAIRPERSON:** Yes, it has been admitted already, his affidavit.

**ADV NOTSHE SC:** Can you then go through and read the statement for the Commission?

**CHAIRPERSON:** No, no, he must not read the statement, ask him to tell the story. I think he was employed by his cousin or somebody, Mr van Biljon.

20 **ADV NOTSHE SC:** Mr van Biljon (indistinct – recording distorted) background or how did you get to be involved in this?

**MR LE ROUX:** Yes, yes, I worked for ...[intervenes]

**CHAIRPERSON:** Mr le Roux, he will ask you questions most of the time but when you give an answer, face me?

**MR LE ROUX:** I will do that.

**CHAIRPERSON:** Yes, okay. You were – were you employed at some stage by a company that was owned by Mr van Biljon?

**MR LE ROUX:** Yes, yes.

**CHAIRPERSON:** What was the name of the company?

**MR LE ROUX:** SAN Electrical.

**CHAIRPERSON:** SAN Electrical?

**MR LE ROUX:** Electrical, yes.

10 **CHAIRPERSON:** He gives in his affidavit a full name for, SAN, is Samina or something?

**MR LE ROUX:** Yes, yes, that is it, we just used the shorter version, Mr Chairperson.

**CHAIRPERSON:** Yes. From when up to when were you employed by that company?

**MR LE ROUX:** It was from mid-2014 until last year.

**CHAIRPERSON:** Until last year?

**MR LE ROUX:** Yes, yes, middle of last year.

20 **CHAIRPERSON:** Ja. What was your position in his company?

**MR LE ROUX:** I was learning to become an electrician?

**CHAIRPERSON:** Are you a qualified electrician?

**MR LE ROUX:** No, no, not yet.

**CHAIRPERSON:** Yes, but you know - you are able to do some electrical work?

**MR LE ROUX:** Yes, yes, yes.

**CHAIRPERSON:** Yes and that is what you were assisting him with.

**MR LE ROUX:** Yes, yes.

**CHAIRPERSON:** Okay, take it from there, Mr Notshe.

**ADV NOTSHE SC:** And then did you then do some work on then the instructions of Mr van Biljon?

**MR LE ROUX:** Yes, yes.

**ADV NOTSHE SC:** And as you must have heard during the  
10 interaction with the Chairperson that we want to stay away from giving the full addresses of the work you did. Is it correct that yesterday, you together with the investigators, the legal team for the Commission and ...[intervenes]

**CHAIRPERSON:** I am sorry, Mr Notshe, before you come to yesterday, I would like to hear him talk about what he did at the address that you - we are not mentioning at that time before you come to yesterday.

**ADV NOTSHE SC:** No, Chair, with your leave, I just wanted him to confirm he went to a place.

20 **CHAIRPERSON:** Ja.

**ADV NOTSHE SC:** Where he did some work.

**CHAIRPERSON:** Yes.

**ADV NOTSHE SC:** And then we go back to...

**CHAIRPERSON:** Oh, okay, okay, okay, that is fine.

**ADV NOTSHE SC:** You visited a house in Krugersdorp.

**MR LE ROUX:** Yes, yes.

**ADV NOTSHE SC:** And that house you visited, did you do any work on the house?

**MR LE ROUX:** Yes, yes, we did some work.

**ADV NOTSHE SC:** Can you tell the Chairperson about the work you did?

**MR LE ROUX:** Yes, yes, I can. We fixed some lights there, outside lights on the staircase and the water feature and the power system would not – the backup power  
10 system would not start and we fixed that as well.

**ADV NOTSHE SC:** And what was wrong with the – with what you had fixed, what you were fixing? If you went there, what did you find wrong with the issues that you fixed?

**MR LE ROUX:** Automatic changeover would not work on the backup system and we fixed that and then the outside lights, it was not working, any of them, so we took them out and put new ones in.

**ADV NOTSHE SC:** Now can you just tell the Commission,  
20 when you went there for the first time did you make any observations when you entered the house, the premises?

**MR LE ROUX:** Yes, yes. There was – I could see on that high fencing there and there was guardhouse there with a man there that opened for us when we came there.

**ADV NOTSHE SC:** Now just stop there. The guardhouse,

when you entered the premises, on which side is the guardhouse?

**MR LE ROUX**: On the left side.

**ADV NOTSHE SC**: Yes. You entered the premises, was there any other thing you noticed?

**MR LE ROUX**: Yes, yes, when we worked there, I noticed there was an expensive car there, an Aston Martin.

**ADV NOTSHE SC**: Sorry, I did not get that?

**MR LE ROUX**: I noticed there was an expensive car  
10 there, an Aston Martin.

**ADV NOTSHE SC**: Is that then the name of the car?

**MR LE ROUX**: Yes, yes, Aston Martin.

**ADV NOTSHE SC**: Where was the car?

**MR LE ROUX**: It was in the middle garage door.

**ADV NOTSHE SC**: Was it standing there on its own and how was it standing there? How was it parked there?

**MR LE ROUX**: It was covered with a special car cover so I just looked at it and looked because I like cars.

**CHAIRPERSON**: Did you go to that house once or more  
20 than once prior to yesterday?

**MR LE ROUX**: I am not sure, it was many times.

**CHAIRPERSON**: Yes, okay. Now, as far as possible I want you to tell me – give me your evidence from your recollection but your statement, your affidavit is there in case you want to refresh your memory. Are you able to

remember what you went to do on the first occasion you went there?

**MR LE ROUX:** On the first time we just ...[intervenes]

**CHAIRPERSON:** And you can look at your affidavit to refresh your memory and Mr Notshe can assist you in terms of where that – in which paragraph that is dealt with, if necessary.

**MR LE ROUX:** If you look at ...[intervenes]

**CHAIRPERSON:** So want you to tell me on the first  
10 occasion I went there, this is what was wrong, I had been instructed to do a, b, c, d. I went there, I did it or I did not do it, for whatever reason. On the next occasion again – you might not need to deal with all of them but at least some of them.

**MR LE ROUX:** Yes, I can do that.

**CHAIRPERSON:** Yes.

**MR LE ROUX:** Yes, the first morning I met there with Mr le Roux and then he showed us that the backup power system does not work. So we then had a look at it but then  
20 I left and Mr van Biljon, he went back and he fixed it.

**ADV NOTSHE SC:** Can you -do you remember when, what year, what month, what date was that?

**MR LE ROUX:** I am not hundred percent sure.

**ADV NOTSHE SC:** I see.

**CHAIRPERSON:** But would you remember the year?

Would you remember the year, even if you do not remember the month or the date?

**MR LE ROUX:** 2014, it was just when I started working, about, ja.

**CHAIRPERSON:** Yes, okay.

**ADV NOTSHE SC:** And then on another occasion - you say you left then, Mr Biljon went back and then?

**MR LE ROUX:** Yes, then I went there the next time, they said the outside lights on the walkway to the house does  
10 not work. It was the lights on the staircase and the lights were – or they were no longer working, so we took them out and put new lights in.

**ADV NOTSHE SC:** In the house or outside the house?

**MR LE ROUX:** Outside the house.

**ADV NOTSHE SC:** I see. What year was this? Do you remember?

**MR LE ROUX:** Also, that same year.

**ADV NOTSHE SC:** And then, the next occasion?

**MR LE ROUX:** It was in that same week we were there to  
20 fix the – there is the small water feature there, it was not working. We pumped out all the water so we could put a new pump in there and then – and there was lights on the outside entertainment area that we fixed, down lights in the ceiling.

**CHAIRPERSON:** Now before you talk about the third

occasion or one of the occasions, another one of the occasions when you went there, can you just go back to describing some of the features of the premises at that house or at that address that you had seen and you had included in your affidavit?

So I am leaving out what you may have seen yesterday, Mr Notshe will come to that in due course. What you did recall before yesterday, when you deposed to your affidavit to say this is what you remembered about the  
10 house. Did you remember about the – did you remember the guardhouse?

**MR LE ROUX:** Yes, yes, guardhouse, there was one guard there.

**CHAIRPERSON:** Yes.

**MR LE ROUX:** He was always there, he opened for us.

**CHAIRPERSON:** Oh, was it the same person? When you went there was it the same guy?

**MR LE ROUX:** Yes, yes, it was.

**CHAIRPERSON:** Yes, yes. I am going to jump to  
20 yesterday just for now. Did you find the same person yesterday or it was different?

**MR LE ROUX:** I do not remember because it has been ...[intervenes]

**CHAIRPERSON:** Ja. It has been a long time, okay. So you do not know whether it was the same guy or not.



**MR LE ROUX:** No, no.

**CHAIRPERSON:** Okay.

**MR LE ROUX:** I do not know.

**CHAIRPERSON:** So the guardhouse, where in relation to the gate is the guardhouse, as you remember it from that time, leaving out the fact that you say it yesterday?

**MR LE ROUX:** It is – when you walk into the main gate it is on the left-hand side.

**CHAIRPERSON:** It is on the left hand side.

10 **MR LE ROUX:** Yes.

**CHAIRPERSON:** What other features of the house did you remember before yesterday which you included in your affidavit?

**MR LE ROUX:** I just know it was a big house and a pool was there.

**CHAIRPERSON:** Yes.

**MR LE ROUX:** And the generator that we worked on, it was behind the house.

**CHAIRPERSON:** It was behind the house.

20 **MR LE ROUX:** Yes.

**CHAIRPERSON:** The generator.

**MR LE ROUX:** Yes and it had a small board that switches it on and off, it was inside next to an open garage.

**CHAIRPERSON:** Yes. And one of the occasions your affidavit says you were working there and you were in the

garage and you saw something. Tell me about that?

**MR LE ROUX:** Yes, I worked there then I saw what looked like to be an expensive car and then I looked and I saw it was an Aston Martin standing there.

**CHAIRPERSON:** Yes and what was the colour of the Aston Martin that you saw on that day, 2015 or 2014?

**MR LE ROUX:** It was long – it was too long ago to remember exactly.

**CHAIRPERSON:** Yes.

10 **MR LE ROUX:** But I know that it is white, yes.

**CHAIRPERSON:** Yes. Well, in your affidavit you say it was dark or dark blue or black.

**MR LE ROUX:** Yes, yes.

**CHAIRPERSON:** Is that correct? That is what you say in your affidavit.

**MR LE ROUX:** Yes, yes.

**CHAIRPERSON:** Does that remind you of how it looked like? What the colour was?

**MR LE ROUX:** Yes, yes, yes.

20 **CHAIRPERSON:** Okay, alright. Mr Notshe, take it from there.

**ADV NOTSHE SC:** Chair, I see the time is quarter past eleven.

**CHAIRPERSON:** Oh. Yes, let us take this – will the ordinary 15 minutes be enough? Or if it is not enough, I

will be told. So we will adjourn until half past eleven but if they are not done sorting out the light then I will be told.

**ADV NOTSHE SC:** We will send a message.

**CHAIRPERSON:** Yes, we adjourn.

**ADV NOTSHE SC:** Thank you.

**INQUIRY ADJOURNS**

**INQUIRY RESUMES**

**ADV NOTSHE SC:** Mr le Roux, you are just reminded you are still under oath.

10 **CHAIRPERSON:** Ja, you are still under oath, Mr le Roux. Will the personnel of the Commission try and arrange a light that can put here on the desk? I did ask that this be done some time back. Okay, let us continue.

**ADV NOTSHE SC:** Now, Mr le Roux, you were telling the Commission about – that you went in and you saw a motor vehicle in the garage. What is the colour of the – do you remember the colour of the motor vehicle you saw?

**MR LE ROUX:** Yes, I am really – I am told it was dark and that it was a long, long time ago, so I was not sure.

20 **CHAIRPERSON:** But in your affidavit which was deposed to on the 17 March 2020 you gave the colour of the motor vehicle as I think that blue or black.

**MR LE ROUX:** Yes, that is correct.

**CHAIRPERSON:** How did you remember the colour then? How did you remember the colour in March but you seem to

have difficulty telling us the colour now.

**MR LE ROUX**: No, no, it was – I mean because yesterday I had a look on the car and I saw that it was in fact white.

**CHAIRPERSON**: Just repeat that?

**MR LE ROUX**: Yesterday I did have a look at the car and I saw that it was white and that in March my memory – I told you that it was either dark blue or black.

**CHAIRPERSON**: Did you say that when you saw it yesterday that it was white?

10 **MR LE ROUX**: Yes.

**CHAIRPERSON**: So it was not blue or dark blue?

**MR LE ROUX**: No, no.

**CHAIRPERSON**: Or black?

**MR LE ROUX**: No, it was not.

**CHAIRPERSON**: Oh. Okay, but – so you see in March your recollection was that you had seen an Aston Martin in the garage of the residence and that it was dark blue or black.

**MR LE ROUX**: Yes.

20 **CHAIRPERSON**: That is what your recollection was?

**MR LE ROUX**: Yes, yes.

**CHAIRPERSON**: But you say yesterday you saw an Aston Martin at the residence concerned but the colour was white?

**MR LE ROUX**: Yes.

**CHAIRPERSON:** Okay, Mr Notshe, do you want to take it from there?

**ADV NOTSHE SC:** And that make of the car was it that you saw yesterday?

**MR LE ROUX:** Aston Martin.

**ADV NOTSHE SC:** Okay. Now ...[intervenes]

**CHAIRPERSON:** I am sorry, when you saw a white Aston Martin yesterday did you recall that the Aston Martin you had seen in 2014 or 2015 at the same residence was white  
10 or you assumed that it was white and was the same car?

**MR LE ROUX:** It might be a newer version of that same model, I am not sure.

**CHAIRPERSON:** Now dark blue or black car is quite different from a white car, those colours are very different. How does it come about that ...[intervenes]

**MR LE ROUX:** Yes, yes...

**CHAIRPERSON:** Your recollection in March was that the car you had seen was dark blue or black but now you – now that you have seen a white one, you do not seem to be  
20 confident whether the one you had seen was dark blue or black.

**MR LE ROUX:** Yes, yes, that is it.

**CHAIRPERSON:** How does it come about - I would have thought that if something was white or if the car that you had seen was white or was black it would be quite easy to

remember that you had not seen a white car, you had seen a black car or blue car rather than not being sure.

**MR LE ROUX:** Yes, yes, they had many cars at that house that was dark so my memory just said that it had to be dark as well.

**CHAIRPERSON:** But would that be anything that you noticed that convinced you that the car you saw yesterday was the same car you say in 2014 or 2015 or could it be that the car you saw yesterday is a different car from the  
10 one that you saw in 2014 or 2015?

**MR LE ROUX:** Yes, it might be a different car, yes.

**CHAIRPERSON:** You are not sure.

**MR LE ROUX:** I am not sure, no.

**CHAIRPERSON:** Yes. But what you are sure about is that the car you had seen was an Aston Martin.

**MR LE ROUX:** Yes, yes, that I am sure of.

**CHAIRPERSON:** Yes. Mr Notshe?

**ADV NOTSHE SC:** Just on that, Mr le Roux, how long – how much time did you have and how long did it take you  
20 to look at the car, did you open the cover, spend time looking at it or u just lifted the enclosed car, the cover?

**MR LE ROUX:** I just lifted it and looked at it and closed it again.

**CHAIRPERSON:** Yes.

**ADV NOTSHE SC:** And at the time – sorry, Chair, it is –

Chair, I must just apologise because of the distance now and again I have to run back and forth and I apologise for that.

**CHAIRPERSON:** Yes. No, I understand yes, because of the social distancing.

**ADV NOTSHE SC:** Yes.

**CHAIRPERSON:** So I understand. It is okay, it is okay.

**ADV NOTSHE SC:** It is good for exercising.

**CHAIRPERSON:** She might not like your suggestion that  
10 she needs exercise.

**ADV NOTSHE SC:** That is the – the issue I was with, Mr le Roux, is you say you just lifted this and then closed it again.

**MR LE ROUX:** Yes, yes.

**ADV NOTSHE SC:** I see. Now, tell me, when you went there, when you looked at the car, did you look at it with the purpose of observing it so that you can report about the colour of the car and the cover, you were just looking at it for interest sake?

20 **MR LE ROUX:** No, no, I just looked out of interest to see what is underneath the cover, that is all.

**ADV NOTSHE SC:** I see. Now this other point you raised in your statement; how did you get to the premises? How did you get to the premises? When you get to the premises, outside the premises, how do you get in?

**MR LE ROUX:** There is a man that works there in the guard room, he opens for us.

**ADV NOTSHE SC:** How do you communicate with him to open for you?

**MR LE ROUX:** I just hoot.

**ADV NOTSHE SC:** I see. And then he would open?

**MR LE ROUX:** Then he would open, yes.

**ADV NOTSHE SC:** In the time that you were there did he ask you why you were there, what you would do, what you were looking for?  
10

**MR LE ROUX:** No, no, nothing, he just let us in and we would do what ...[intervenes]

**ADV NOTSHE SC:** You would hoot and they would open for you.

**MR LE ROUX:** Yes.

**ADV NOTSHE SC:** And you go in and do the work.

**MR LE ROUX:** Yes, yes.

**ADV NOTSHE SC:** Okay. Tell me, the van you were driving from SAN Electrical did it have a marking on the side to show where it was from?  
20

**MR LE ROUX:** No markings, no.

**ADV NOTSHE SC:** So you did not identify yourself to the person at the gate?

**MR LE ROUX:** No, no, I did not.

**CHAIRPERSON:** Excuse me, a guard at the gate is



supposed to only allow family members in and if it is people who are not family members you would have – or if you would have to check that the person is authorised to come into the premises, I think. How could the guard – do you know why the guard would just open for you without asking you questions?

**MR LE ROUX:** I think that he recognised my car and he opened for us because he had seen us there in the past working.

10 **CHAIRPERSON:** Okay, no, I cannot hear that. Would you please just repeat what you said?

**MR LE ROUX:** I think he would open for us because he would recognise my car as I had worked there on other days when he was there as well.

**CHAIRPERSON:** Let us talk about the first occasion you went there. Did you go there alone?

**MR LE ROUX:** No, no, I went there and then Richard was there as well.

**CHAIRPERSON:** Mr Richard le Roux?

20 **MR LE ROUX:** Yes, yes.

**CHAIRPERSON:** Did he arrive at the premises first so that when you arrived, he was already inside?

**MR LE ROUX:** Yes, sir.

**CHAIRPERSON:** How did – what happened before you entered, did you hoot on that day, did you not hoot or what

happened? Tell me about that.

**MR LE ROUX:** No, no, it was open and then I saw him standing inside of the main gate.

**CHAIRPERSON:** Mr Richard le Roux was standing on the inside of the gate?

**MR LE ROUX:** Yes.

**CHAIRPERSON:** So he was – so he would have spoken to the guard to say he must let you in.

**MR LE ROUX:** I can get in, yes.

10 **CHAIRPERSON:** But you say as you approached the gate the gate was already open or it opened as you were approaching?

**MR LE ROUX:** It was open, yes.

**CHAIRPERSON:** Yes but Mr le Roux was there and the guard was there.

**MR LE ROUX:** Yes.

**CHAIRPERSON:** And then you just went in.

**MR LE ROUX:** Yes.

20 **CHAIRPERSON:** Ja. Now on the subsequent occasion when you came after that without Mr le Roux being there – because I take it there were occasions when you came without Mr le Roux, is that right?

**MR LE ROUX:** Yes, yes, there was.

**CHAIRPERSON:** And do you remember whether the first or second occasion you went to the premises Mr le Roux

was there or not?

**MR LE ROUX:** No, I am not ...[intervenes]

**CHAIRPERSON:** Or you cannot remember?

**MR LE ROUX:** I am not sure, no.

**CHAIRPERSON:** Yes, but when you came after that first occasion without Mr le Roux being there, did the guards just open to you after identifying your car?

**MR LE ROUX:** Yes, yes, he did.

**CHAIRPERSON:** Did you always go there in the same  
10 car?

**MR LE ROUX:** Yes, I did.

**CHAIRPERSON:** Yes, okay. Mr Notshe?

**ADV NOTSHE SC:** Thank you, Chair. Now, Mr le Roux, can you also deal with something here. On T13 page 205, that is the statement, paragraph 16, you say, I am reading from your statement ...[intervenes]

**CHAIRPERSON:** I am sorry, where?

**ADV NOTSHE SC:** On T13, CR05, Chairperson, paragraph 16 of the witness's statement.

20 **CHAIRPERSON:** His affidavit, paragraph 16. Yes, okay.

**ADV NOTSHE SC:** His affidavit. You say there:

“On an occasion during 2017 or 2018 I was again contacted, Mr van Biljon, to go to premises situated in Blouberg Street where I was to meet Mr le Roux.”

Now during this evidence this morning, you said you first

went there in 2014. Can you explain this?

**MR LE ROUX:** Unless it is just – it might have been after the initial visit for some extra work.

**ADV NOTSHE SC:** I beg your pardon?

**MR LE ROUX:** In my affidavit it was after we went there for the first time.

**ADV NOTSHE SC:** So, the first time was 2014?

**MR LE ROUX:** Yes, yes.

**ADV NOTSHE SC:** And thereafter you went in 2017 and  
10 2018?

**MR LE ROUX:** Yes, yes.

**ADV NOTSHE SC:** Now whilst we are on your affidavit, so you – or before we go there, is it correct that after you have spoken to the investigators you were then shown some pictures, photos. You were shown some photos.

**MR LE ROUX:** Yes, yes.

**ADV NOTSHE SC:** Can you turn to page 12 of your – it is called CR2 and it is on page 12, Chairperson.

**CHAIRPERSON:** Yes.

20 **ADV NOTSHE SC:** There is a picture there of – you were shown the picture?

**MR LE ROUX:** Yes, yes, I was.

**ADV NOTSHE SC:** Chairperson, can I just pause there just to explain this. These were taken by and shown to the witness by Mr Groenewald. We have his statement and he

is also physically indisposed but this witness I would want to discuss Mr Groenewald's statement with him.

**CHAIRPERSON:** Right.

**ADV NOTSHE SC:** Tell, me what is depicted in the picture on the photo?

**MR LE ROUX:** It is the house that we worked at.

**ADV NOTSHE SC:** I see. Now on the photo we see - CR12 – we see something like there is something like a gate, what – is the wooden that, can you see?

10 **MR LE ROUX:** Yes, yes, on the left hand there.

**ADV NOTSHE SC:** And then you see a roof as you look at it, where the gates, what roof is that?

**MR LE ROUX:** On that roof behind the gate is the guard room.

**ADV NOTSHE SC:** Now if you go to – can you go to CR14, what is depicted on that picture?

**MR LE ROUX:** It is also that gate at that guard room.

**ADV NOTSHE SC:** In the...?

**MR LE ROUX:** The guard room.

20 **ADV NOTSHE SC:** The guard room?

**MR LE ROUX:** And the gate, yes.

**CHAIRPERSON:** I am sorry, Mr Notshe, why does it look like these annexures are not marked? You see there is a – I see that is annexure CLR2 but it is much better if on the actual photograph there is also – it is marked otherwise

while you are looking at the paragraph and you say by the way which annexure is this, then you go to...[intervenes]

**ADV NOTSHE SC:** I see this.

**CHAIRPERSON:** ...need to go back a few pages. Okay, but it is annexure CLR2 and annexure CLR3.

**ADV NOTSHE SC:** Yes.

**CHAIRPERSON:** Okay, but you are dealing with CLR2, is that right?

**ADV NOTSHE SC:** I am dealing again with CRL2 and then  
10 ...[intervenes]

**CHAIRPERSON:** You went to ...[intervenes]

**ADV NOTSHE SC:** I moved to CRL3 now.

**CHAIRPERSON:** Okay, alright.

**ADV NOTSHE SC:** My children will be proud of me, I pronounced three as they always correct, me not tree, I have managed to pronounce it properly, three.

**CHAIRPERSON:** No, I think there are many people who pronounce three differently.

**ADV NOTSHE SC:** Yes.

20 **CHAIRPERSON:** Yes, what is the point that was made with reference to CRL2? With the gate?

**ADV NOTSHE SC:** Yes, is the gate and the guardhouse, the roof of the guardhouse.

**CHAIRPERSON:** Well, now Mr le Roux, did you say that before deposing to your affidavit in March you were shown

this picture?

**MR LE ROUX:** Yes, yes, that is right.

**CHAIRPERSON:** And you say the roof that one can see above the wall, the perimeter wall is the guardhouse.

**MR LE ROUX:** It is, yes.

**CHAIRPERSON:** But in your affidavit as well as in the affidavit of Mr Agrizzi, if I remember correctly, both of you say that the guardhouse is to the left of the gate, is it not?

**MR LE ROUX:** It is.

10 **CHAIRPERSON:** That does not look me to be to the left of the gate.

**ADV NOTSHE SC:** Chair, if I may ...[intervenes]

**MR LE ROUX:** It is the angle that the picture was taken.

**CHAIRPERSON:** Well, but do you agree with me that when you look at the structure that you say is the guardhouse, that does not look to be to the left of the gate or are you saying that it is on the left to the gate or are you saying it is on the left to the gate?

**MR LE ROUX:** It is on the left, yes.

20 **ADV NOTSHE SC:** Chair, can Mr le Roux take the Chairperson to CLR3?

**CHAIRPERSON:** Yes. I have the same problem on CRL3. As I see it, it seems to me that the main gate that the guardhouse is directly – if you get into the gate you would go – and you did not turn right or left with the car, you

would go hit the structure and that would it not be left of the ...[intervenes]

**ADV NOTSHE SC:** Chair, I think the photographer ...[intervenes]

**CHAIRPERSON:** Ja.

**ADV NOTSHE SC:** It did not come out clearly as – can I clarify that with the witness, the next step about the visit?

**CHAIRPERSON:** Yes.

**ADV NOTSHE SC:** The witness will confirm and I do not  
10 want to testify from the bar, but ...[intervenes]

**CHAIRPERSON:** Yes, no, no, that is fine. You can ask him questions which will clarify this, if possible.

**ADV NOTSHE SC:** Yes.

**CHAIRPERSON:** You know, this thing becomes important. I hope that the agreement that was signed also indicates which side of the gate the guardhouse is because it is important.

**ADV NOTSHE SC:** Yes. Mr le Roux, it is your CLR3, the pictures.

20 **MR LE ROUX:** Yes, sir.

**ADV NOTSHE SC:** And you were present yesterday when you went to the house.

**MR LE ROUX:** Yes, yes, I was.

**ADV NOTSHE SC:** Now in relation to the gate when you enter, in relation to the person entering the premises,



where on which side will be the – was the guardhouse yesterday?

**MR LE ROUX:** On the left.

**ADV NOTSHE SC:** And whilst we are on that, can I take you, Chair, to CLR – I think now we should call this T16. We have got ...[intervenes]

**CHAIRPERSON:** EXHIBIT T...?

**ADV NOTSHE SC:** We have got T13, T14, T15 and then should be T16. That will be ...[intervenes]

10 **CHAIRPERSON:** T15, that is Mr Renier van Biljon.

**ADV NOTSHE SC:** T15 is Mr van Biljon.

**CHAIRPERSON:** Ja.

**ADV NOTSHE SC:** Then can we take it to T16?

**CHAIRPERSON:** I do not think we have T16.

**ADV NOTSHE SC:** If we take it as T14 and it was marked – it was marked as CLR T13, CLRL15.

**CHAIRPERSON:** Yes, what I am saying is I do not think there is one that we have admitted and marked as T16.

**ADV NOTSHE SC:** Yes. Not yet.

20 **CHAIRPERSON:** Okay, so what is the document you want me to go to?

**ADV NOTSHE SC:** It is called the memo on inspection *in loco* Charle Roux.

**CHAIRPERSON:** What page is it?

**MR LE ROUX:** It is on CLR15.

**CHAIRPERSON:** One five?

**MR LE ROUX:** One five.

**CHAIRPERSON:** Yes.

**ADV NOTSHE SC:** Is the Chairperson with me?

**CHAIRPERSON:** I am sorry, this is confusing. Okay, ja, I have got the memo on page 15. Yes?

**ADV NOTSHE SC:** Now, Mr le Roux, are you on there?

**MR LE ROUX:** Yes, yes.

**CHAIRPERSON:** Do you want us to admit this memo?

10 **ADV NOTSHE SC:** This memo as EXHIBIT T16 and this, Chairperson, is handed up by agreement between the parties.

**CHAIRPERSON:** It should not be T – if it is here at the beginning maybe we should make it what, EXHIBIT T12? Is there EXHIBIT T12 in another work stream or something?

**ADV NOTSHE SC:** There is ...[intervenes]

**CHAIRPERSON:** I think the memo should come at the end, the agreement of what was seen yesterday but if you  
20 already have put it here in the front...

**ADV NOTSHE SC:** Chairperson, we can change that, in terms of slotting it in. If the Chair, with your permission, you can allow us to call it T16 and then it can be arranged that it is at the end of Mr Charl le Roux's evidence. Chairperson, there is a T12 which is the affidavit of

Richard le Roux.

**CHAIRPERSON:** Yes, you suggest that we admit it as EXHIBIT what?

**ADV NOTSHE SC:** T16.

**CHAIRPERSON:** H'm?

**ADV NOTSHE SC:** T one six.

**CHAIRPERSON:** EXHIBIT T one six.

**ADV NOTSHE SC:** Yes.

**CHAIRPERSON:** I will write EXHIBIT T16 at page 15 at  
10 the top. Okay, yes, so the memo on the inspection *in loco*  
will be admitted as EXHIBIT T16.

**MEMO ON INSPECTION IN LOCO CHARL LE ROUX  
HANDED IN AS T16**

**ADV NOTSHE SC:** As it pleases you, Chair. Chair, the agreement was that I would read this into the record.

**CHAIRPERSON:** Yes.

**ADV NOTSHE SC:** But with your leave I will read it and then but in conjunction of the evidence of the witness.

**CHAIRPERSON:** Well, you may – you can just read the  
20 whole of the memo.

**ADV NOTSHE SC:** Yes.

**CHAIRPERSON:** And then the witness can then just confirm because it is agreed, it is something that has been agreed.

**ADV NOTSHE SC:** Yes. Mr le Roux, I am going to - do

you have the memorandum of ...[intervenes]

**MR LE ROUX:** Yes, yes, I have it.

**ADV NOTSHE SC:** Listen carefully, I am going to read it into the record. Just listen carefully and then – so that you confirm or correct whatever you want to correct.

**MR LE ROUX:** Okay.

**ADV NOTSHE SC:** Now the memorandum I am reading relate to:

10 “The pointing out/inspection *in loco* by Charl le Roux. Individuals present, the witness Charl Le Roux, the Commissioner staff Adv Viwe Notshe, Mr Alan Nixon, Mr Tshepo Maleko, Ms Refiloe Molefe and then for Mrs Mokonyane, representatives is Adv L Hodes and Mr G Madlanga.

1. Pointed by witness is a high fence and a guardhouse to the left side at the entrance and the photographs obtained as annexures A.”

Chair, that photograph A is on page – it will be on page 16.4.

20 **CHAIRPERSON:** Yes.

**ADV NOTSHE SC:** And then:

“2. Generators situated behind the garage in a cage where the wires fed through the wall into the garage where they were connected to the control panel.”

And that photograph of the generator is on B which is 16.6,  
Chair.

**CHAIRPERSON:** Yes.

**ADV NOTSHE SC:** And over the page it is:

“Lights fitted on the...”

Chair, the panel referred to, you will see the panel referred to on paragraph 3 as B, it – also it goes over the page to 16.7, is the panel. And then over the page of the memorandum, Chair, it is:

10 “Lights fitted the side of the walls the either sides  
of the stairs that was replaced.”

And on 16.9, those were the lights and 16.10 is the staircase. And then for ...[intervenes]

**CHAIRPERSON:** Hang on one second, can I take you back, I think you – what is that 16.6? Is that the generator?

**ADV NOTSHE SC:** Chair, just bear with me?

**CHAIRPERSON:** I think you have left me behind.

**ADV NOTSHE SC:** 16.6 is the generator.

20 **CHAIRPERSON:** Okay.

**ADV NOTSHE SC:** And then it is connected with 16.7,  
Chair.

**CHAIRPERSON:** Yes.

**ADV NOTSHE SC:** Yes. Chair, if you were to go back,  
Chair, to 16.6 you will see next to the generator there are

wires which go to into the ground.

**CHAIRPERSON:** Yes.

**ADV NOTSHE SC:** And the witness was saying those wires would then connect to 16.7, the panel on 16.7.

**CHAIRPERSON:** Oh, okay.

**ADV NOTSHE SC:** And then 16.9 are the lights that were repaired on the staircase and 16.10 is the same staircase where the lights were repaired.

**CHAIRPERSON:** Okay.

10 **ADV NOTSHE SC:** And then at paragraph on 16.1 is repairs on the fountain situated in the corner, the witness stated I recall that we had to fit a small pump to the fountain in order to pump the water out and I think I repaired some lights at it or in the fountain. That will be found at 16.12.

**CHAIRPERSON:** Yes.

**ADV NOTSHE SC:** Chair can you ignore the colour of the water and the – its condition.

**CHAIRPERSON:** Yes.

20 **ADV NOTSHE SC:** And then paragraph 5 garage or where Austin Martin valet covered, where the trampoline was parked and 16.14.

**CHAIRPERSON:** Yes.

**ADV NOTSHE SC:** And then 6 is other features, other features just identified or pointed out whilst we were there,

it is the lights in the covered patio were not covered when the work was done. The witness whilst we were there Chairperson, he pointed out lights in the patio and the lights were, he says but the patio at that stage was not covered, whereas when we were there it was covered.

**CHAIRPERSON:** Mmm.

**ADV NOTSHE SC:** Yes, Chair you will notice also, I didn't you to this, at 16.15 there is the lifted cover of the car showing the Austin Martin emblem, by agreement the registration was redacted, it has a registration but we  
10 agreed for security reasons that we will take it out.

**CHAIRPERSON:** Ja.

**ADV NOTSHE SC:** Mr Le Roux you heard me reading through all this, is this correct, is this what happened when we were there?

**MR LE ROUX:** Yes, yes it is.

**ADV NOTSHE SC:** And then is it in line with the affidavit and the evidence you gave today?

**MR LE ROUX:** Yes.

20 **ADV NOTSHE SC:** Chairperson that is the evidence of Mr Le Roux.

**CHAIRPERSON:** Yes, what is at page 16.17? Is that a certain line or an X.

**ADV NOTSHE SC:** Sorry Chair I will get there. 16.7 it is what is written, it is a manuscript note of the additional

observation where he says on paragraph, in paragraph 6 of the memo he says – Chair just bear with me. Chair it is just I can't read the – there is a word I can't read, oh it is ceiling. It is the ceiling light in the covered patio.

**CHAIRPERSON:** Yes.

**ADV NOTSHE SC:** Which was not covered when the work was done.

**CHAIRPERSON:** Okay.

**ADV NOTSHE SC:** And then you will see that is the – that  
10 and on 16.8 again it is the ceiling, the lights on the ceiling.

**CHAIRPERSON:** Okay, okay. Yes continue.

**ADV NOTSHE SC:** Mr Le Roux do you confirm the contents of your statement?

**MR LE ROUX:** Yes, yes I do.

**CHAIRPERSON:** From the road if somebody is standing on the road next to this particular residence or is passing would they be able to tell whether the guardhouse is to the left of the gate? So somebody who has never gone into the premises can they tell?

20 **MR LE ROUX:** Yes, yes they can.

**CHAIRPERSON:** You can see from outside?

**MR LE ROUX:** Yes.

**CHAIRPERSON:** That it is to the left of the gate?

**MR LE ROUX:** Yes you can.

**CHAIRPERSON:** Ja, would you know it is a guardhouse,



would somebody know that it is a guardhouse?

**MR LE ROUX:** I am not sure.

**CHAIRPERSON:** Ja, ja, there is nothing that can tell you from outside?

**MR LE ROUX:** No.

**CHAIRPERSON:** Yes, now Mr Agrizzi described some of the features in his affidavit of the house. One, he said that the guardhouse is to the left of the gate, which is the same thing that you have said as well but he mentioned other  
10 features that I want to see whether you are able, whether you did notice those features. Mr Agrizzi says in his affidavit deposed to on the 15<sup>th</sup> of November 2019 in which he was responding I think to the affidavit – oh no I think he was dealing with questions that had been posed by me during the hearing about features of the house as he recalled them.

He says in paragraph 41 or in 5:

20 “I am in a position to identify the premises. When I first visited together with the late Gavin Watson the guardhouse was a wood structure on the left as you entered the premises. This was later renovated into a permanent structure as well.”

When you went to the premises was the structure a wooden structure or was it already a guardhouse as you saw it yesterday?

**MR LE ROUX:** It was built like it was yesterday.

**CHAIRPERSON:** It was as it was yesterday?

**MR LE ROUX:** Yes.

**CHAIRPERSON:** When you went there for the first time it was not a wood structure.

**MR LE ROUX:** No, no.

**CHAIRPERSON:** Okay and then he says further there are two garages and adjacent to the two garages is a generator room

10 **MR LE ROUX:** Yes.

**CHAIRPERSON:** Is that something you did see previously and, in the house, or maybe also yesterday?

**MR LE ROUX:** Yes, yes.

**CHAIRPERSON:** There are two garages?

**MR LE ROUX:** I think there is more than – there's three garages there.

**CHAIRPERSON:** There are three garages, not two?

**MR LE ROUX:** Yes.

20 **CHAIRPERSON:** Okay and he says adjacent to the two garages is a generator room with an auto switch mechanism.

**MR LE ROUX:** Yes.

**CHAIRPERSON:** Which the Bosasa contractors applied, the generator was on the outside.

**MR LE ROUX:** Yes.

**CHAIRPERSON:** Are you able to confirm whether his –  
what he is saying is true or not?

**MR LE ROUX:** It is yes.

**CHAIRPERSON:** It is true?

**MR LE ROUX:** It is true ja.

**CHAIRPERSON:** Okay and you must tell me whether you  
know this or you don't know this, he says in paragraph  
41.6:

10            “In order to enter the house, there are a few steps  
and the first room on the right upon entering is Mr  
Mokonyane's, which is adorned with ANC regalia  
and heads from Lesotho.”

The ANC regalia and the heads from Lesotho you might or  
might not have noticed, I don't know, but he says the first  
room, he says there are a few steps when you enter the  
house. He says in order to enter the house there are a few  
steps and the first room on the right upon entering is Ms  
Mokonyane's study. Do you know anything about the steps  
that are there, the few steps that you have to use to get to  
20 the house, into the house?

**MR LE ROUX:** Yes, is that where we put the lights, on  
those stairs?

**CHAIRPERSON:** Yes. And he says the first room on the  
right after you have entered the house is Ms Mokonyane's  
study. Now you might or might not know whether that room

is a study or not, but there is a room that you see on the right hand side as you enter the house?

**MR LE ROUX:** I have never worked inside the house.

**CHAIRPERSON:** Inside, so you don't know that part?

**MR LE ROUX:** I don't know.

**CHAIRPERSON:** Okay, okay

**ADV NOTSHE SC:** Can I just clarify one issue.

**CHAIRPERSON:** Yes, please yes.

**ADV NOTSHE SC:** Before the – Mr Le Roux just explain  
10 to the Chairperson about when you say there are three  
garages, are they self-standing garages or are they – is it  
one big structure with doors?

**MR LE ROUX:** Yes, yes it is one with multiple doors and  
there is that one small one next to it with the general panel  
there.

**CHAIRPERSON:** Okay. You say they are not separate  
standalone garages?

**MR LE ROUX:** Yes, yes.

**CHAIRPERSON:** Okay, is it one garage which can take  
20 two cars, maybe with some divider or maybe without  
divider but can take two cars or it can take three cars.

**MR LE ROUX:** Yes it is one big one, it can take three  
cars.

**CHAIRPERSON:** Yes. So – but it is one garage?

**MR LE ROUX:** Yes.

**CHAIRPERSON:** But it can take three cars.

**MR LE ROUX:** Yes.

**CHAIRPERSON:** Ja, so it is not two separate garages.

**MR LE ROUX:** No.

**CHAIRPERSON:** Okay, alright.

**ADV NOTSHE SC:** And then can you just – Mr Le Roux can you just take the Commission to – Chair can I take you to TS16 page 16.14, where there is a car covered. Are you there?

10 **MR LE ROUX:** Yes I am there.

**ADV NOTSHE SC:** Is when you talk about the spaces do you refer to something like what we see on 16.14?

**MR LE ROUX:** Yes, yes.

**ADV NOTSHE SC:** Where there is a car parked and then there is a pillar and then there seems to be a door next to the ...[intervenes]

**MR LE ROUX:** Yes.

**CHAIRPERSON:** Okay you will just need to go through Mr Agrizzi's features that he identifies. We know that the  
20 guardhouse he is confirming.

**ADV NOTSHE SC:** Yes.

**CHAIRPERSON:** But you will just need to see the other features that Mr Agrizzi identifies in one or more of his affidavits, see what has been confirmed by this witness, what has not been confirmed by this witness or what has

been confirmed by the agreement between the parties and to the extent that there may be features that have not been confirmed by this witness that Mr Agrizzi talked about Mr Agrizzi must be interviewed to – in regard to that and to the extent that there may be a need for clarification because he talks about two garages, whether – exactly what he means when he says two garages, he must be interviewed so that he can say – explain what he means by two garages.

10 **ADV NOTSHE SC:** Yes.

**CHAIRPERSON:** And then I think you can then approach Ms Mokonyane’s lawyers to see whether there can be any agreement whether the fixtures that have not been confirmed by this witness which are in Mr Agrizzi’s affidavit whether they are in a position to confirm them or if they do not confirm them there may be a need for another visit to confirm those because they may be important.

**ADV NOTSHE SC:** Chair as far as I can read the affidavit of Mr Agrizzi the only issue that the witness is able to  
20 confirm is the issue that the Chair has dealt with that the staircase and the generator outside and then you touched on the issue of the garages. Other than that, the witness is unable to because – he is unable to confirm because then Mr Agrizzi go to inside the house and then deal with the ...[intervenes]

**CHAIRPERSON:** Yes so but look at al Agrizzi's evidence because he might have dealt with some features in a different affidavit. He submitted two or three affidavits. You don't have to it now but you can do it later to identify those so that ...[intervenes]

**ADV NOTSHE SC:** Chair in order to save our time I am almost done with the witness.

**CHAIRPERSON:** Ja.

**ADV NOTSHE SC:** Can I ask for a short adjournment?

10 **CHAIRPERSON:** Ja.

**ADV NOTSHE SC:** A short adjournment just to run through, I am also thinking of looking also to Mr Richard Le Roux's statement to see what the witness can confirm from Mr Richard Le Roux in terms of the features.

**CHAIRPERSON:** Well when I adjourn, I want to adjourn for the day.

**ADV NOTSHE SC:** For the day?

**CHAIRPERSON:** Because we don't have another witness. Well your junior might have taken note of what has been  
20 confirmed by the witness and what has not been confirmed but he has confirmed what is in the agreement, he has confirmed I think everything that is in his affidavit. Your affidavit Mr Le Roux, you have looked at it again maybe yesterday, recently, your affidavit that you signed in March, did you look at it yesterday again to refresh your memory?

**MR LE ROUX:** Yes Chairperson.

**CHAIRPERSON:** Yes, do you confirm that what you said there is correct?

**MR LE ROUX:** Yes it is.

**CHAIRPERSON:** Ja, with regard to the colour of the car, do you want to stick to the colour that you wrote as black or dark blue or are you saying no you think it was white or are you saying you are not sure what colour it was, you thought it was black or blue but you have seen a white  
10 one, you are not sure but what you are sure about is that it an Austin Martin.

**MR LE ROUX:** An Austin Martin yes.

**CHAIRPERSON:** Yes, okay alright.

**ADV NOTSHE SC:** Chair before we leave the witness with your leave can I refer the Chair to you will see on page 13, 13 point – T13, 13 page CR07 and there are two premises referred to there, paragraph E and ...[intervenes]

**CHAIRPERSON:** Sorry what page?

**ADV NOTSHE SC:** Page 7, T13 7 Chair.

20 **CHAIRPERSON:** Seven?

**ADV NOTSHE SC:** Zero 07, CR07, I hope the President doesn't take offence of these numberings with CR.

**CHAIRPERSON:** (laughing) yes?

**ADV NOTSHE SC:** Chair those residences work was done there but our investigations is we find it is not relevant to



your enquiry.

**CHAIRPERSON:** Yes.

**ADV NOTSHE SC:** So I will not lead evidence on those residences.

**CHAIRPERSON:** Ja, no that's fine.

**ADV NOTSHE SC:** Chair I have conferred with my junior we couldn't find anything as from Agrizzi's evidence that can be confirmed by this witness.

**CHAIRPERSON:** Yes.

10 **ADV NOTSHE SC:** Neither also I have got Le Roux, Richard Le Roux, does not refer to features that can be confirmed by this, the only thing that Richard Le Roux is to confirm the house but not features.

**CHAIRPERSON:** Ja, ja. Well the stairs inside the house is one of the things that Mr Agrizzi talks about in his affidavit. He says there I thought he said they lead up to Ms Mokonyane's study upstairs but I see in this affidavit he talks about the study being on the right hand side as you enter if I am not mistaken.

20 **ADV NOTSHE SC:** Yes.

**CHAIRPERSON:** So the agreement that was signed between yourselves and Ms Mokonyane's affidavit does it deal with those or does it not?

**ADV NOTSHE SC:** No Judge it does not, it doesn't but Chair ...[intervenes]

**CHAIRPERSON:** So that is one of the things that must be pursued with regard to Mr Agrizzi and also to check whether there can be agreement from Ms Mokonyane's lawyers that there are such stairs inside the house.

**ADV NOTSHE SC:** Yes, with the – I have been getting cooperation from Ms Mokonyane's lawyers, I am sure there will be some discussion about that and then we will see what cooperation we get and then we will see what agreement can be reached.

10 **CHAIRPERSON:** Yes, now you know we – Mr Le Roux here in his affidavit said the Austin Martin was dark blue or black but he has said that the one that he saw yesterday in the house is white.

**ADV NOTSHE SC:** Yes.

**CHAIRPERSON:** There ...[intervenes]

**ADV NOTSHE SC:** Chair on that we will – I have got information as I was on my feet but I want to present it to you in a presentable way.

20 **CHAIRPERSON:** Yes, yes, there is – I don't know whether you have got here the – I don't know whether it is attached to Mr Groenewald's affidavit but there is a – the investigators did approach the Department of Transport and they obtained the registration there and I think there was a colour given.

**ADV NOTSHE SC:** Yes.

**CHAIRPERSON:** Ja, so I thought that might resolve the issue.

**ADV NOTSHE SC:** Yes.

**CHAIRPERSON:** Is that what you are talking about?

**ADV NOTSHE SC:** That is what I am talking about and Chair with your leave can I deal with that issue later.

**CHAIRPERSON:** Ja okay.

**ADV NOTSHE SC:** It will then, it might explain the situation we have.

10 **CHAIRPERSON:** Yes.

**ADV NOTSHE SC:** The only reason I don't want to place it before you, I just want to place it in a presentable manner.

**CHAIRPERSON:** Yes.

**ADV NOTSHE SC:** And a complete picture regarding that.

**CHAIRPERSON:** Yes, then we ...[intervenes]

**ADV NOTSHE SC:** There is a NATIS registration which will give us the colour and other issues about it.

20 **CHAIRPERSON:** Yes, okay. We will have to deal with that as soon as possible.

**ADV NOTSHE SC:** No we will.

**CHAIRPERSON:** Yes, okay, alright. Thank you Mr Le Roux for coming to give evidence, we appreciate that these are matters that happened many years ago but we are grateful that you came to us as the Commission.

**MR LE ROUX:** No problem.

**CHAIRPERSON:** Yes, if the need arises for the Commission to ask you to come back we will ask you to come back and then we will take it from there. But then for the day we are going to adjourn or do you still have something?

**ADV NOTSHE SC:** Yes, I have just ...[intervenes]

**CHAIRPERSON:** Are we going to sit tomorrow and on Wednesday isn't it?

10 **ADV NOTSHE SC:** Yes.

**CHAIRPERSON:** On Bosasa matters, are we still with that?

**ADV NOTSHE SC:** What we – before we even go there Chair, I wanted to deal with now – can he be excused?

**CHAIRPERSON:** Yes you are excused Mr Le Roux, you may go.

**MR LE ROUX:** Okay, thank you.

**CHAIRPERSON:** Thank you.

20 **ADV NOTSHE SC:** Chair I have in the bundle an affidavit of Mr Lionel Groenewald, he is part of the investigation team. The affidavit it deals with the investigation he has done, the – he also deals with the evidence of the witness just about the picture that he saw.

**CHAIRPERSON:** Can I just say the investigators of the Commission relating to Bosasa if one of them is here they

should not leave because after this I would like to see the legal team plus the investigators.

**ADV NOTSHE SC:** Yes we had planned a meeting with them.

**CHAIRPERSON:** Ja, okay, after – when we adjourn, I would like to see the legal team and the investigator or investigators that deal with Bosasa shortly in these chambers here. Okay yes?

**ADV NOTSHE SC:** So Chair we are in your hands, insofar  
10 as the affidavit of Mr Groenewald. It is merely to confirm the evidence with this witness that he showed him the pictures that we took you through of outside the house and the guardhouse and he also deals with his research at Deeds Registry, the registration of the house and I am not certain whether the Chair would want him to give *viva voce* evidence or whether his affidavit can be read into the record.

**CHAIRPERSON:** Well, one, it depends if there is something, if depends if there is something, does it deal  
20 with the NATIS information?

**ADV NOTSHE SC:** It does not deal with the NATIS information, but the NATIS information is ...[intervenues]

**CHAIRPERSON:** Well his affidavit can be - I think I do remember; I think it will be better that he should come but I think you said he is not well or something?

**ADV NOTSHE SC:** He is not – he is physically indisposed.

**CHAIRPERSON:** Ja, once he is well let's call him it won't take long.

**ADV NOTSHE SC:** His evidence won't take long.

**CHAIRPERSON:** Ja, ja, okay.

**ADV NOTSHE SC:** And also, it will also not really help but it will demonstrate also the confusion that was nearly caused by the photograph, because in his photograph he  
10 took it at the right angle.

**CHAIRPERSON:** Oh, okay.

**ADV NOTSHE SC:** And then it will show what we saw yesterday and what the evidence of the witness but it will also bring the photograph.

**CHAIRPERSON:** Yes okay.

**ADV NOTSHE SC:** Chair for now that is all, and then tomorrow we had planned the evidence of one witness, there were two witnesses, first let me go back, initially the hearing was planned for three days but we felt that the  
20 witnesses were going to be short and we will put them together. So today we had planned Mr Frolick and this witness, tomorrow we had planned another witness and Mr Brian Blake for the travel agents. It seems as if we are left with one ...[intervenes]

**CHAIRPERSON:** Yes I think the other witness you can

mention, was Mr Gingnana wasn't it?

**ADV NOTSHE SC:** Yes Mr Gingnana and we are unable to proceed with him, we have arranged with him that he will get a fresh notice of the next hearing.

**CHAIRPERSON:** Yes.

**ADV NOTSHE SC:** Yes.

**CHAIRPERSON:** Yes, so we are left with Mr Blake and insofar as Mr Blake is concerned, I again spoke to the legal representatives of Ms Mokonyane about the reference  
10 then they are not, they agree that his evidence can be led despite the references.

**CHAIRPERSON:** Yes, but other people who may be implicated in Mr Blake's affidavit or evidence have they been given 33 Notices?

**ADV NOTSHE SC:** As far as I know they have been given but when we meet you now in chambers I will confirm that because what I did even on Friday I said we should go through all those invoices and make sure, and also the statement, and make sure that everyone mentioned there  
20 has got a 33 so that today, tomorrow when Mr Blake is testifying people are not taken by surprise to hear their names mentioned when they have – but we will confirm with you in chambers.

**CHAIRPERSON:** Yes, but you see if notices haven't been given then I don't want to come here only to adjourn

proceedings tomorrow.

**ADV NOTSHE SC:** Chairperson now we are going to leave here that is your chambers and we will be certain whether they will be coming or ...

**CHAIRPERSON:** But I want to adjourn even tomorrow's proceedings now if you don't – if you are not ready because notices have not been given and Wednesday.

**ADV NOTSHE SC:** Well Wednesday Chair there are no hearings. Can Chair just bear with me for one second.

10 **CHAIRPERSON:** Ja, okay.

**ADV NOTSHE SC:** Chair I am advised by my junior that all notices, 3.3 Notices have gone out insofar as Mr Brian Blake.

**CHAIRPERSON:** Yes but going out is not enough, has 14 days lapsed?

**ADV NOTSHE SC:** No it has not lapsed.

**CHAIRPERSON:** Ja, then ...[intervenes]

**ADV NOTSHE SC:** It was a short notice.

20 **CHAIRPERSON:** Then if – I mean if you are going to call a witness without giving the implicated parties 14 days notice there has got to be sound good reasons and I don't think that there would be any good reasons with regard to Mr Blake.

**ADV NOTSHE SC:** Chair I can confirm we have not even – unlike the issue of Ms Mokonyane, the witness, where we



obtained consent of the other side, with Mr Blake's one we have not obtained consent and we are unable to so ...

**CHAIRPERSON:** Yes, okay so what you need to do for all the witnesses who will be coming check that notices have been issued on time, check that by the time the witness comes a period of 14 days will have lapsed and if you seek to lead the witness even though the 14 days has not lapsed you would need to apply for condonation, obviously there must be good cause. The application for condonation I  
10 think I have said that in certain circumstances it doesn't have to be substantive, so – but I need to be told what the reasons are, but as far as possible the idea should be to make sure that we – the Commission office has the 14 days period.

**ADV NOTSHE SC:** I understand.

**CHAIRPERSON:** And when there are good reasons that's different to lead the witness before the expiry of 14 days then I will listen to what the reasons are and then take it from there, so it is important and don't rely completely on  
20 the Secretariat about the sending of notice so let them satisfy you that it has been done, you specify if it hasn't been done, it must be done by a certain date and just check with them because otherwise you might think that well I asked them to send it out by a certain date, I am sure they will, but you discover one day before the hearing

of that witness that actually it wasn't sent out on time.

Okay, alright, so we will not sit tomorrow, we will not sit on Wednesday for the purposes of the media and the public, I can announce that we will sit on Thursday and I will hear the evidence of Mr Maxatuga on Thursday.

We adjourn.

**REGISTRAR:** All rise.

**INQUIRY ADJOURNS TO 9 JULY 2020**